

REMARKS

This paper is submitted in response to the Office Action dated September 29, 2006 (the “Office Action”).

Claims 1-119 were previously pending in the application.

Claims 1, 4, 29, 32, 36, 57, 60, 85, 88, 92, 113, 114, and 119 have been amended in this paper.

Claim 118 has been canceled and no claims have been added in this paper.

Accordingly, claims 1-117 and 119 are currently pending.

Claims 1-7, 14, 16, 17, 29-35, 42, 44, 45, 57-63, 70, 72, 73, 85-91, 98, 100, 101, and 114-117, and 119 stand rejected.

Claims 8-13, 15, 18-28, 36-41, 43, 46-56, 64-69, 71, 74-84, 92-97, 99, and 102-112 are under objection.

Claim 113 has been allowed.

Claims 1-3, 29-31, 57-59, 85-87, 114-117, and 119 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,282,170 issued to Bentall et al. (“*Bentall*”). Claims 4-7, 14, 16, 32-35, 42, 44, 60-63, 70, 72, 88-91, 98, and 100 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bentall* in view of U.S. Patent No. 6,728,205 issued to Finn et al. (“*Finn*”). Claims 17, 45, 73, and 101 stand rejected under § 103(a) as being unpatentable over *Bentall* in view *Finn*, and further in view of U.S. Patent No. 6,430,150 issued to Azuma et al. (“*Azuma*”).

The amendments add no new matter and are supported by the original Specification, for example on p. 9, lines 22-30. Applicant offers that the pending claims are allowable in view of

the remarks presented herein. While not conceding that the cited references qualify as prior art, Applicant has chosen to address the claim rejections as set forth below. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that the cited references do not qualify as prior art with respect to a currently or subsequently claimed aspect of the invention. Applicant offers that the claims are allowable at least for the reasons presented below.

Allowable Subject Matter

Applicant expresses continued gratitude for the indication that claim 113 is allowed and that claims 8-13, 15, 18-28, 36-41, 43, 46-56, 64-69, 71, 74-84, 92-97, 99, and 102-112 would be allowable if rewritten in independent form including all of the limitations of the respective base claims and any intervening claims. Applicant wishes to maintain claims 8-13, 15, 18-28, 36-41, 43, 46-56, 64-69, 71, 74-84, 92-97, 99, and 102-112 in dependent form in view of the following remarks on the allowability of the corresponding base claims.

Rejections under § 102(e) and § 103(a)

Independent claims 1, 29, 57, and 85 have been amended. Applicant respectfully submits that as amended, the claims are allowable under § 102(e) and § 103(a). For example, amended claim 1 includes limitations of **determining whether a candidate node has sufficient resources to support a virtual path, and the determining is performed by the candidate node**. Applicant respectfully submits that these limitations, among others, are not disclosed in the cited portions of the references, and that claim 1 and all claims dependent therefrom are therefore allowable. At least for similar reasons, Applicant respectfully submits that claims 29, 57, and 85 and all claims dependent therefrom are also allowable.

§ 6.11

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on December 28, 2006.



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2006 Dec 28

Date of Signature

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